

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DISHOND M. DIGGS,

Plaintiff,

v.

NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

Case No.: 2:23-cv-02156-RFB-DJA

**ORDER**

(ECF No. 1)

On December 28, 2023, pro se plaintiff Dishond M. Diggs, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete because **Plaintiff did not include a financial certificate or an inmate trust fund account statement for the previous six-month period with the application**. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct these deficiencies **by March 11, 2024**.

**I. DISCUSSION**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month**

1 **period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*  
 2 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means  
 3 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

4 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
 5 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*  
 6 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
 7 fee or file a new fully complete application to proceed *in forma pauperis* with all three  
 8 required documents.

## 9 **II. CONCLUSION**

10 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
 11 is denied without prejudice.

12 It is further ordered that Plaintiff has **until March 11, 2024**, to either pay the full  
 13 \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with  
 14 all three required documents: (1) a completed application with the inmate's two signatures  
 15 on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
 16 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
 17 previous six-month period.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
 19 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
 20 to refile the case with the Court, under a new case number, when Plaintiff can file a  
 21 complete application to proceed *in forma pauperis* or pay the required filing fee.

22 The Clerk of the Court is directed to send Plaintiff Dishond Diggs the approved  
 23 form application to proceed *in forma pauperis* for an inmate and instructions for the same  
 24 and retain the complaint (ECF No. 1-1) but not file it at this time.

25 DATED this 11<sup>th</sup> day of January 2024.

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 28 UNITED STATES MAGISTRATE JUDGE